

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on this, the 4th day of October, 2005 with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313.

Marianne Crimaldi
Marianne Crimaldi

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Customer Number

24024

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Richard Walmsley)	
)	Examiner: Christine S. Washington
)	
Serial No.:	10/519,182)	Art Unit: Not yet assigned
)	
Filed:	December 21, 2004)	Confirmation No.: 2405
)	
For:	MULTI SPOT OPTICS)	Attorney Docket No.: 30276/04003
	IN MEDICAL APPLICATIONS)	
)	

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RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Dear Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated September 7, 2005, Applicants respectfully submit a fully executed Declaration and Power of Attorney. A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 received from the Patent Office is also enclosed.

A check in the amount of \$65.00 is enclosed to cover the surcharge for Missing Parts. If additional fees are required please charge them to our Deposit Account No. 03-0172. Please credit any overpayment to same Deposit Account.

10/11/2005 MKAYPAGH 00000089 10519182

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Respectfully submitted,

Date: October 4, 2005

Brian E. Kondas
Brian E. Kondas, Reg. No. 40,685
216/622-8308

10 Rec'd PCT/PTO 06 OCT 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/519,182

FIRST NAMED APPLICANT

Richard Walmsley

ATTY. DOCKET NO.

30276/04003

INTERNATIONAL APPLICATION NO.

PCT/AU03/00790

I.A. FILING DATE

06/25/2003

PRIORITY DATE

06/25/2002

24024

CALFEE HALTER & GRISWOLD, LLP
 800 SUPERIOR AVENUE
 SUITE 1400
 CLEVELAND, OH 44114

CONFIRMATION NO. 2405

371 FORMALITIES LETTER

OC000000016943376

OC000000016943376

Date Mailed: 09/07/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

	Case Number	Ctry	Sub Case	Action Due	Due Date
• Indication of Small Entity Status	2004	US		Response Due	07-Nov-2005
• Copy of the International Application filed on 12/21/2004	2004			1st Extension	07-Dec-2005
• Copy of the International Search Report filed on 12/21/2004	2004			2nd Extension	07-Jan-2006
• Preliminary Amendments filed on 12/21/2004	2004			3rd Extension	07-Feb-2006
• Information Disclosure Statements filed on 03/07/2005	2004			4th Extension	07-Mar-2006
• Small Entity Statement filed on 12/21/2004	2004			Final Deadline	07-Apr-2006
• Copy of references cited in ISR filed on 12/21/2004	2004				
• U.S. Basic National Fees filed on 12/21/2004	2004				
• Priority Documents filed on 12/21/2004	2004				

Verified

BEK

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

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SEP 09 2005

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DBC IP. DEPT.D.C. IP. Dept.

BEK

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 308-9140 EXT 228

PART 1 - ATTORNEY/APPLICANT COPY

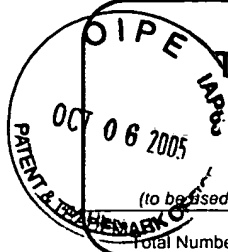
U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/519,182	PCT/AU03/00790	30276/04003

JC03 R PCT/PTO 06 OCT 2005

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be filed for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number

10/519,182

Filing Date

December 21, 2004

First Named Inventor

Richard Walmsley

Art Unit

Not yet assigned

Examiner Name

Christine S. Washington

Attorney Docket Number

30276.04003

ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☒

Reply to Missing Parts/Incomplete Application

☐

Reply to Missing Parts under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a Provisional Application

☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐ Landscape Table on CD

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After Allowance Communication to TC

☐

Appeal Communication to Board of Appeals and Interferences

☐

Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify below):

- Return Receipt Postcard

- Check for \$65.00

SEE REMARKS

Remarks

- Response to Notification of Missing Requirements Under 35 U.S.C. 371 (1 pg)

- Declaration & Power of Attorney (2 pgs)

- Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated 09/07/2005 (2 pgs)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

24024

Signature

Brian E. Kondas

Printed name

Brian E. Kondas

Date

October 4, 2005

Reg. No.

40,685

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Marianne C. Crimaldi

Typed or printed name

Marianne C. Crimaldi

Date

October 4, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.